

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

FEB 17 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Reorganization and Revision) WT Docket No. 94-148
of Parts 1, 2, 21, and 94)
the Rules to Establish a)
New Part 101 Governing)
Terrestrial Microwave)
Fixed Radio Services)

To: The Commission

DOCKET FILE COPY ORIGINAL

COMMENTS
OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc. ("ITA"), pursuant to the Federal Communications Commission's Notice of Proposed Rule Making in the above-referenced matter, hereby respectfully submits these Comments responsive to the Commission's proposal.¹

I. PRELIMINARY STATEMENT

ITA, formerly the Special Industrial Radio Service Association, Inc. (SIRSA), is an association organized under the laws of the District of Columbia. ITA is the Commission's certified frequency coordinator for the Special Industrial Radio

¹ Notice of Proposed Rule Making (FCC 94-314), WT Docket No. 94-148, adopted December 9, 1994, released December 28, 1994, (hereinafter "Notice").

No. of Copies rec'd 209
List A B C D E

Service and the Industrial/Land Transportation 421-430 MHz and 800/900 MHz frequency pools. ITA also coordinates channels from the 800 MHz General Category pool for those entities: (a) eligible to become Industrial/Land Transportation licensees; (b) wishing to expand trunked systems; or (c) consolidating conventional systems into a trunked system. ITA coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated to the Special Industrial Radio Service and the enumerated 800/900 MHz frequency pools.

ITA enjoys the support of a membership that includes more than 8,600 private land mobile radio communications licensees and the following trade associations:

- Alliance of Motion Picture and Television Producers
- American Mining Congress
- Associated Builders & Contractors, Inc.
- Florida Citrus Processors Association
- Florida Fruit & Vegetable Association
- National Aggregates Association
- National Food Processors Association
- National Propane Gas Association
- National Ready-Mixed Concrete Association
- National Utility Contractors Association
- New England Fuel Institute
- United States Telephone Association

ITA's members make extensive use of the frequencies allocated to the Private Operational-Fixed Microwave Service.

II. COMMENTS

The Commission has proposed to consolidate its rules governing the licensing of radio stations in the Domestic Public Fixed Services and the Private Operational-Fixed Microwave Service under a new Rule Part, Part 101. The proposed rules would replace Part 94, which currently governs the operation of private operational-fixed stations, completely. Most common carrier stations would also be governed by Part 101. However, Part 21 would continue to continue to govern the MMDS omnidirectional video bands. The FCC's stated goal is to simplify the rules and make processing procedures for private and common carrier microwave stations the same, whenever possible.

ITA supports the Commission's efforts in this regard. ITA believes that the Commission's proposal takes a reasoned approach to consolidation. The proposed new rule part preserves the distinction between private and common carrier microwave services, with one subpart, Subpart H, devoted to use of the Private Operational-Fixed Service frequencies and another subpart, Subpart I, for the common carrier Point-to-Point Microwave Service frequencies. ITA is particularly pleased with this result. ITA believes it is imperative to preserve the separate identity for each service. The proposal achieves this goal in a very deft manner.

ITA also notes that the Commission's staff in Gettysburg has used licensing techniques to increase the speed of service for processing applications in the Private Operational-Fixed Service. To this point, some of these same techniques have not been available or applied to applications for the common carrier Point-to-Point Microwave Service. However, the instant proposal would codify some of these processing techniques and apply them to the common carrier microwave services. This should increase the speed of service for common carrier applications. Again, ITA applauds the effort.

With these overall comments as background, ITA does have some specific concerns regarding some of the proposed rule sections. The comments that follow will highlight ITA's concerns.

Proposed Section 1.972(c)

There is a reference to "Private Radio Bureau." This should be revised to read "Wireless Telecommunications Bureau."

Proposed Section 101.11

This section relates to general filing requirements for both services. Section 101.11(b) instructs applicants to send filings that do not require application fees to "Federal Communications Commission, Common Carrier Radio Services, 1270 Fairfield Road, Gettysburg, PA 17325." ITA questions whether there should also be

instructions for submitting non-feeable private microwave filings to a separate address. It would be confusing to applicants to have to send private microwave filings to a common carrier address.

Proposed Section 101.41

This section seems cumbersome and confusing for general applicants. The intent is to state that no applicant shall reap financial gain from a change in ownership or withdrawal of an application. A summary, in plain English, of this intent at the beginning of the section could go a long way toward clearing up the confusion. In this way, the Commission could place the necessary "legal jargon" after the summary.

Proposed Section 101.45(g)

This section contains a discussion of the procedures applicable to the initial filing window for the bands 932-935/941-944 MHz. Since the initial filing window has already taken place, this discussion could be eliminated.

Proposed Section 101.49

Grants by random selection are discussed for Digital Electronic Message Service (DEMS) applications. Paragraph (b) states that renewals are not included in the random selection process. These few details could be moved to Section 101.45, which addresses "Mutually Exclusive Applications," and Section 101.49

could be eliminated. It is not clear why DEMS and renewals are singled out in this section.

Proposed Section 101.57

The section discussing application modifications filed specifically to increase the time in which a station must be placed in operation may be better placed under Section 101.63, which specifically discusses the applicable construction periods.

Proposed Section 101.59

This section allows applicants for minor modifications to consider their application granted after 21 days following the release of the FCC Public Notice. However, the type of applications which permit such "instant licensing" are primarily for common carrier operations. Perhaps minor modifications of Private Multiple Address System stations, which are authorized solely on the basis co-channel separation, could be included in this group.

Proposed Section 101.101

The footnotes currently associated with each frequency band listed in Section 94.61(b) have been deleted. ITA believes they should be restored.

Proposed Section 101.113(a)

The last sentence in paragraph (a) states that the transmitter output power may not exceed values listed in the table below. However, this table does not list transmitter output power, only EIRP. The Commission should refer to current Section 94.73 as a reference for amending the table.

Proposed Section 101.113(a)(2)

This single sentence, "The power delivered to the antenna is limited to -3 dBW," is unclear as to its reference. Does this statement apply to the table contained in Section 101.113(a) or the MAS band listed in subparagraph (1), or perhaps both?

Proposed Section 101.115(b)

ITA questions why the maximum beamwidth and suppression is listed for the frequency range "Below 512 MHz."

Proposed Section 101.123(c)

Section 101.123 discusses the protection of Quiet Zones. Paragraph (c), which states that the transmission of program material for television or cable system feeds will not be accepted below 21,200 MHz, appears to be misplaced.

Proposed Section 101.127

Topographical data that is permitted excludes the computerized terrain data. If this is, in fact, the Commission's intention, the

rule should state that 3-arc second digitized terrain data is not sufficient.

Proposed Section 101.139(f)

The minimum payload capacity rule referenced should be 101.141 instead of 101.139.

Proposed Section 101.605

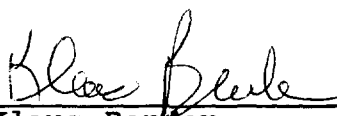
Section 94.91 of the current rules lists the low power provisions for the 21-23 GHz band. This section is generally viewed as setting forth the de facto channelization for this band. While the appendix to Part 101 states that section 101.605(m) lists the information from Section 94.91, the low power channels for 21-23 GHz are not specified in Section 101.605. ITA believes that a definitive channelization for the 21-23 GHz band should be listed under Section 101.605.

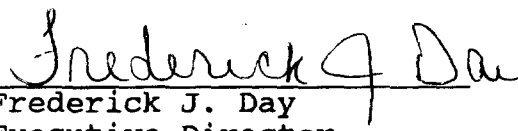
Page 173

Under Channel Group A, 10-A3: "9,050" should read "39,050."

WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. respectfully submits these Comments and urges the Federal Communications Commission to act in accordance with the views expressed herein.

**INDUSTRIAL TELECOMMUNICATIONS
ASSOCIATION, INC.**

By: 
Klaus Bender
Manager, Engineering Services

By: 
Frederick J. Day
Executive Director,
Government Relations

1110 N. Glebe Road, Suite 500
Arlington, VA 22201-5720
(703) 528-5115

Date: February 17, 1995